

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q89815

Hirofumi NAKAMURA, et al.

Appln. No.: 10/547,330

Group Art Unit: 1638

Confirmation No.: 7031

Examiner: Brent T PAGE

Filed: September 1, 2005

For: TRANSGENIC PLANT HAVING FRUCTOOLIGOSACCHARIDE ACCUMULATED  
THEREIN AND PROCESS FOR CONSTRUCTING

**RESPONSE TO ELECTION OF SPECIES**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the election of species requirement set forth in the Office Action dated October 9, 2007, Applicants elects the genus *Aspergillus*, without traverse. The claims readable on the elected species are claims 1 to 20.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: November 8, 2007

*for* Sheldon D. Landsman  
Joseph J. Ruch, Jr. Reg. No.  
Registration No. 26,577 25,430